

CHAPTER 75-05-06

HUMAN SERVICE CENTER ESSENTIAL CLIENT SERVICES AND ELIGIBILITY

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75-05-06-01. Definitions. As used in this chapter:

1. "Appropriate services" means available essential client services, which, based upon the applicant's needs and the professional judgment of the human service center staff, constitute the proper course of treatment and conduct by the human service center on behalf of the individual.
2. "Eligibility" means existence of a condition as determined by professional assessment that causes an individual to be included in a targeted population group, qualifying the individual to receive appropriate services available through the human service center.
3. "Essential client services" means the general category of services designed to address the needs of those who are vulnerable or at risk. These services are intended to protect and promote safety, basic security, self-sufficiency, and emotional well-being.
4. "Targeted population groups" means groups of individuals sharing common characteristics that increase risk status and vulnerability.

History: Effective February 1, 1995.

General Authority: NDCC 50-06.2-03(6)

Law Implemented: NDCC 50-06.2-03

75-05-06-02. Eligibility criteria. Human service centers determine an individual's eligibility for receipt of appropriate services based on problems or characteristics that cause the individual to be included in the targeted population groups of:

1. Individuals or families in emergency situations;
2. Vulnerable children and adolescents; and

3. Vulnerable adults and elderly.

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Law Implemented: NDCC 50-06.2-03

75-05-06-03. Individuals or families in emergency situations. The existence of an individual or family crisis situation requiring immediate attention characterizes this population group. The overall goal of the appropriate service is to protect the individual and others from immediate harm, to stabilize functioning and resolve the immediate crisis situation, and to determine the need for ongoing appropriate services.

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75-05-06-04. Vulnerable children and adolescents. This population group is characterized by a need to protect children from emotional and physical violence in the home, prevent further victimization, and diagnose and treat emotional disturbance, substance abuse, and other disabling conditions. The overall goal of the appropriate services provided is to increase the child's potential for a productive life and to preserve family unity.

1. Appropriate services for abused or neglected children are available to:
 - a. Children who are current victims in an assessment of alleged abuse or neglect;
 - b. Children who are determined to be at risk of abuse or neglect, based on an assessment that concludes that services are recommended, or are victims based on an assessment that concludes that services are required;
 - c. Children who are affected by the abuse or neglect of their siblings; or
 - d. Children who have been abused by a noncaretaker.
2. Appropriate services are available to noncaretaker perpetrators of child sexual abuse.
3. Appropriate services are available to children and adolescents involved in domestic violence who:
 - a. Are affected by physical or emotional violence in the home; or
 - b. Are perpetrators of physical or emotional violence in the home.

4. Appropriate services are available to emotionally disturbed children and adolescents who:
 - a. For purposes of evaluation only, appear to be emotionally disturbed;
 - b. For continuing services, are emotionally disturbed, and whose behavior exhibits one or more of the following:
 - (1) Gross impairment in communication;
 - (2) Some danger of hurting self or others;
 - (3) Occasional failure to maintain minimal personal hygiene;
 - (4) Behavior considerably influenced by delusions or hallucinations;
 - (5) Serious impairment in communication or judgment;
 - (6) Inability to function in almost all areas;
 - (7) Some impairment in reality testing or communication;
 - (8) Major impairment in several areas, such as work, school, family relations, judgment thinking, or mood;
 - (9) Serious symptoms such as suicidal ideation or severe obsessional rituals;
 - (10) Serious impairment in social, occupational, or school functioning;
 - (11) Moderate symptoms, such as flat affect and circumstantial speech or occasional panic attacks;
 - (12) Moderate difficulty in social, occupational, or school functioning;
 - (13) Some mild symptoms, such as depressed mood or mild insomnia;
 - (14) Some difficulty in social, occupational, or school functioning, but generally functioning well and has some meaningful interpersonal relationships;
 - (15) Attention deficit disorder; or
 - (16) Disruptive behavior disorder; or

- c. Are involved in therapy as a part of the treatment plan for a family member.
- 5. Appropriate services are available to children and adolescents with a diagnosis of mental retardation made by a licensed or license exempt psychologist based on an individually administered standardized intelligence test and standardized measure of adaptive behavior, and who are:
 - a. Children from birth through age two, for purposes of infant development services;
 - b. School age children in need of transition services from school to adult programs; or
 - c. Any child or adolescent who is determined in need of family support services or in need of intermediate care facility for mentally retarded placement.
- 6. Appropriate services are available to children and adolescents who have a condition other than mental illness, so severe as to constitute a developmental disability, which results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation, and who are:
 - a. Children from birth through age two, for purposes of infant development services;
 - b. School age children in need of transition services from school to adult programs; or
 - c. Any child or adolescent who is determined in need of family support services or in need of intermediate care facility for mentally retarded placement.
- 7. Appropriate services are available to children and adolescents with physical and nondevelopmental disabilities who:
 - a. Have a mental or physical disability that prevents them from obtaining, retaining, or preparing for employment; or
 - b. Are children from birth through age two, exhibiting developmental delays, but who are not determined to have developmental disabilities.
- 8. Appropriate services are available to children and adolescents involved in substance abuse who are:

- a. Charged with or adjudicated for an alcohol-related or drug-related offense;
- b. Known or suspected of abuse of alcohol or other drugs; or
- c. Affected by the alcohol or drug addiction of others.

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75-05-06-05. Vulnerable adults and elderly. This population group is targeted in order to eliminate violence in the home and prevent further victimization, and to diagnose and treat emotional disturbance, developmental disability, addictive illness, and other disabling conditions. The overall goal of providing services is to enhance the social functioning and occupational productivity of the individual and family, and to stabilize and preserve family unity.

1. Appropriate services are available to adults and elderly involved in child abuse or neglect who are:
 - a. Parents and other adults involved in the protection and care of children who, based on investigation, are determined to be at risk of abuse or neglect or are subjects of a probable cause determination, including perpetrators, nonoffending spouses, and other significant adults; or
 - b. Noncaretaker child sexual abuse perpetrators.
2. Appropriate services are available to adults and elderly with addiction-related disorders who:
 - a. Are abusing or are dependent upon alcohol or other drugs; or
 - b. Are affected by the alcohol or drug abuse or dependence of a significant other in the person's family of origin or present family.
3. Appropriate services are available to adults and elderly involved in domestic violence who are adult victims or perpetrators of physical or emotional violence in the home.
4. Appropriate services are available to adults and elderly with emotional disturbances who:
 - a. For evaluation only, appear to have emotional disturbances;
 - b. For continuing services, are emotionally disturbed, and whose level of impairment is characterized by one or more of the following:

- (1) Gross impairment in communication;
 - (2) Some danger of hurting self or others;
 - (3) Occasionally fails to maintain minimal personal hygiene;
 - (4) Behavior considerably influenced by delusions or hallucinations;
 - (5) Serious impairment in communication or judgment;
 - (6) Inability to function in almost all areas;
 - (7) Some impairment in reality testing or communication;
 - (8) Major impairment in several areas, such as work, school, family relations, judgment thinking, or mood;
 - (9) Serious symptoms such as suicidal ideation or severe obsessional rituals;
 - (10) Serious impairment in social, occupational, or school functioning;
 - (11) Moderate symptoms, such as flat affect and circumstantial speech or occasional panic attacks;
 - (12) Moderate difficulty in social, occupational, or school functioning;
 - (13) Some mild symptoms, such as depressed mood or mild insomnia; or
 - (14) Some difficulty in social, occupational, or school functioning, but is generally functioning well and has some meaningful interpersonal relationships; or
- c. Are involved in therapy as a part of the treatment plan for a family member.
5. Appropriate services are available to adults and elderly with mental retardation who are over age twenty-one. The diagnosis must be made by a licensed or license exempt psychologist based on an individually administered standardized intelligence test and standardized measure of adaptive behavior. Individuals age eighteen to twenty-one may be served in this category under special arrangements with the public education system.

6. Appropriate services are available to adults and elderly who have a condition, other than mental illness, so severe as to constitute a developmental disability, which results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation. Individuals age eighteen to twenty-one may be served in this category under special arrangements with the public education system.
7. Appropriate services to obtain, retain, or prepare for employment are available to adults and elderly with physical and nondevelopmental disabilities who have a mental or physical disability that prevents the person from obtaining, retaining, or preparing for employment.
8. Appropriate services are available to seriously mentally ill adults and elderly who demonstrate a severe, debilitating, long-term mental illness that impairs the person's judgment, perception, ability to deal with stress, and ability to effectively attend to activities of daily living such as grooming and hygiene, cooking, money management, employment, and social skills.

History: Effective February 1, 1995.

General Authority: NDCC 50-06.2-03(6)

Law Implemented: NDCC 50-06.2-03

75-05-06-06. Right to apply - Right to appeal.

1. All individuals may apply for appropriate services. Eligibility determinations for appropriate services are a part of the admissions process. The human service center may conduct screening interviews, either in person or by telephone, in order to determine if an applicant meets the essential service eligibility criteria.
2. Individuals denied services may appeal. A request for an appeal of a denial of services must be in writing and contain a succinct statement as to why the denial of services was in error. The request for an appeal must be submitted to:

Appeals Supervisor
North Dakota Department of Human Services
State Capitol - Judicial Wing
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0250

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General Authority: NDCC 50-06.2-03(6)

Law Implemented: NDCC 50-06.2-03

75-05-06-07. Service availability. The extent to which appropriate services are available to targeted population groups through each human service center is dependent upon community need and upon resources available to the human

service center at the time application for services is made. Statements of service availability contained in sections 75-05-06-03 through 75-05-06-06 are superseded by this section to the extent that community needs and available resources are determined insufficient to allow service availability.

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